



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ashkenazi et al. Docket No: 39780-2730P1C39 and  
39780-2730P1C67  
Serial No: 09/997641 & 09/989724 Group Art Unit: 1647  
Filed: Examiner: David Blanchard  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF LUC DESNOYERS, Ph.D.,**  
**AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,**  
**AUSTIN GURNEY, Ph.D., NICHOLAS PAONI, Ph.D., and WILLIAM I. WOOD, Ph.D.**  
**UNDER 37 C.F.R. §1.131**

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Nicholas Paoni, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by PCT Patent Publication WO 98/32853 (Jacobs *et al.*, dated July 30, 1998).
3. The polypeptide designated as PRO1312 (SEQ ID NO:387) claimed in the above-identified application in the United States was sequenced and cloned prior to July 30, 1998.
4. At the time the PRO1312 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1312 polypeptide (SEQ ID NO:387) claimed in the above-identified application.

5. At the time the PRO1312 polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, Ph.D., was responsible for overseeing the sequencing of cDNAs encoding for novel polypeptides, including the PRO1312 polypeptide (SEQ ID NO:387) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA61873-1574 in the above-identified application, was identified as encoding the PRO1312 polypeptide.
7. The full length of the cDNA clone is shown in Figure 277 of the above-identified application. The full length of the PRO1312 peptide encoded by DNA61873-1574 is shown in Figure 278 of the above-identified application. The full-length PRO1312 polypeptide has 212 amino acid residues.
8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1312 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA61873-1574 (identified as "DNA-61873") and the full-length PRO1312 polypeptide encoded by DNA-61873. Both the DNA-61873 and the PRO1312 polypeptide sequences were obtained prior to July 30, 1998.
10. The DNA-61873 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 386 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 386 in the above-identified application is shown on page 1 of the GSeqEdit database report, and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 386 is shown on page 7 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 387 disclosed in the above-identified application.

13. The first 4 amino acid residues of the PRO1312 polypeptide (SEQ ID NO:387) encoded by the cDNA (DNA-61873) are also shown on page 1 of the GSeqEdit report and the remaining 208 residues appear on pages 2-4 of the report.
14. All activities listed under paragraphs 4-13 were completed prior to July 30, 1998. (See Exhibit A).
15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

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Luc Desnoyers, Ph.D.

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Date

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Audrey Goddard, Ph.D.

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Date

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Paul J. Godowski, Ph.D.

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Date

\_\_\_\_\_  
Nicholas Paoni, Ph.D.

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Date

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Austin Gurney, Ph.D.

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Date

\_\_\_\_\_  
William I. Wood, Ph.D.

\_\_\_\_\_  
Date

>Tuesday, December 21, 2004  
 >DNA61873 [Full]  
 >323 Sites [All Sites]  
 > Fri May 29 13:59:17 1998 [DNA61873], sjohnson  
 >proofread with phredphap by sjohnson 5/28/98

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                                rnaI
                                sau3AI maeI
                                mboI/ndeII(dam-)
                                dpnII(dam-)
                                dpnI(dam+)
                                alwI(dam-) sau3AI
                                nlaIV xbaI mboI/ndeII(dam-)
                                haeIII/palI bfaI dpnII(dam-)
                                wwoI haeIII/palI bfaI dpnII(dam-)
                                bstBI bglI[M.haeIII-] hpy188III taqI
                                bstCI bglI[M.haeIII-] hpy188III taqI
                                tfII apoI sfII eaeI bstYI/xhoII dpnI(dam+)
                                hinfI[M.taqI-] cfrI bamHI[M.mspI-] mnlI
                                taqI[M.claI-] haeIII/palI alwI(dam-) alwI(dam-)
                                mn-I taqI[M.claI-] haeIII/palI alwI(dam-) alwI(dam-)
                                hpyCH4V clai/bspI06 eaeI bstI mspI[M.bamHI-][M.haeIII-] taqI mluI accIII
                                bsgI bsajI bspDI(dam-) cfrI tspRI hpall mnlI bstYI/xhoII mnlI drdI aflIII hpall
                                1 AACTGCACCT CGGTTCTATC GATTCGARTT CGGCCACACT GCGCGGATCC TCTAGAGATC CCTCGACCTC GACCCACGCG TCCGGAAGA AGTGTGTGGC
                                TTGACGTGGA GCCAAGATAG CTAGCTTAA GCGGCTGTA GCGGCTTAGG AGAFTCTAG GGAGCTGGAG CTGGGTGGC AGGCCTTCT TACACACCG
                                M L N
                                Insert begins here
                                *ORF
    
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GSeqEdit, DNA61873 [Full], page 1

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bsgi
scrFI[dcn-]
pspGI
mvaI mwoI
ecorII[dcn-]
dsaV[dcn-]
bstNI bstAPI
bssKI[dcn-]
tsp45I
maeIII
hphI mwoI nlaIII hincII/hindII
sexAI hpyCH4V
trn9I
mseI bsmAI
anaIII/draI ddeI hpy188I
alul

101 TGCCTCTTTT TCTGGTCACT GCCATTCATG CTGAACCTCG TCAACCAAGT GCAGAAATG CTTTAAAGT GAGACTTAGT ATCAGAACAG CTCTGGGAGA
ACGAGAAAAA AGACCACTGA CGGTAGTAC GACTTGAGAC AGTTGGTCCA CTCTTTTAC GAAATTCA CTCTGAATCA TAGTCTGTC GAGACCTCT
5 L F F L V T A I H A E L C Q P G A E N A F K V R L S I R T A L G D

bciv-
scrFI[dcn-]
pspGI
mvaI
ecorII[dcn-]
dsaV[dcn-]
bstNI
bssKI[dcn-]
bsaJI
ndeI apyI[dcn+] mboII mnlI mwoI alul nlaIII
earI/ksp632I
tsp509I
apoI

20: TAAGCATAT GCCTGGGATA CCATGAGAGA ATACCTCTTC ATAGCGATGG TAGCTTTTTC CATGAGAAA GTTCCCAACA GAGAGCAAC AGAATTTCC
ACTTCGTATA CGGACCCCTAT GTTACTTCT TATGGAGAG TTTCCGCTACC ATCGAAGAG GTACTCTTTT CAAGGGTGT CTCTTCGTTG TCTTTAAGG
38 X A Y A W D T N E E Y L F K A M V A F S M R K V P N R E A T E I S

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GSeqEdit, DNA61873 [Full], page 2

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maeIII
bsrDI
nlaIII hpyCH4V maeIII
301 CAATCTCTAC TTGCAATGI AACCCAGAGG GTATCATCTT GGTTCGGT TACAGACCCCT TCAGAAAATC ACACCCCTTC TCGTGTGAG GTGCAATCAG
GTACAGGATG AACGTTTACA TIGGCTCTCC CATAGTAAGA CCAACACCA ATGCTGGA AGTTTTTAG TGTGGGAGG ACGACAACCTC CAGGTTAGTC
71 H V L L C N V I Q R V S F N F V V T D P S K N H C L P A V E V Q S A

sau3AI
mboI/ndelII(dam-)
dpmI(dam-)
dpmI(dam+)
alwI(dam-)
mspI
hpaII
bsaW
nlaI
avaI
niaIII
styI
ncoI
dsaI
bglI/bst
hpyCH4V bsaJI
401 CCATAGAT GAACAAGAC CGGTCAACA ATGCTTCTT TCTAATGAC CAACCTCTGG ATTTTANA ATCCCTTC ACATTCGRC CACCCATGGA
GGTATCITA CTGCTCTTG GCCTAGTCTT TACCGAAGAA AGATTACTG GTTTGAGACC TTAAAATTT TTAGGAGG TGTGACGCTG GTGGGTACCT
105 I R M N K N R I N N A F F L N D Q T L E F L K I P S T L A P P M D

sau3AI tail
mboI/ndelII(dam-)
dpmI(dam-)
dpmI(dam+)
bstYI/xhoII mbo
alwI(dam-) maeII/hp
501 CCCATCTCTG CCCATCTGGA TTATATATT TGGTGTGATA TTTTGCATCA TCATAGTTC ATATGCACTA CTGATTTTAT CAGGNACTG GCACGCTAGA
GGTAGACAC GGTAGACCT AATATATAA ACCACACTAT AATACGTAGT AGTATCARG TTACGCTGAT GACTAAATA GTCCCTAGAC CGTTCATCT
138 P S V P I W I I I F G V I F C I I I V A I A L L I L S G I W Q R R

bspl286
bnyI hpy188III hpyCH4V hpyCH4V hpyCH4V

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GSeqEdit, DNA61873 [Full], page 3

scrFI[dcm-]  
pspGI  
mvaI  
ecoRI-[dcm-]  
dsaV[dcn-]  
bstNI  
bsaKI[dcm-]  
bsaJI  
sau3AI tsp509I  
mboI/ndeII[dam-]  
dpmII[dam-]  
dpmI[dam+]  
bclII[dam-]  
nlaIII muni/nfel  
nlaIII mniI alni[dam-] nlaIII  
601 AGAAGAACA AAGAACCATC TGAAGTGAAG GACGCTGAAG ATAAAGTGAAG AACATGATC ACAATTGAAA ATGGCATCCC CTCTGATCCC CTGGACATGA  
TCTTTCTTGT TCTTGGTAG ACTTCACCTA CTGCGACTTC TATTCACACT TTTGTACTAG TGTTAACITT TACCGTAGGG GAGACTAGGG GACCTGTACT  
171 R K N K E P S E V D D A E D K C E N M I T I E N G I P S D P L D M K  
kcal  
tru9I hpy188III foki  
aseI/asnI/vspI nlaIII bstF5I  
nslI msel sfaNI lspHI mniI mnhI mniI hpy188I  
eco57I  
701 AGGGGGCAT ATTAATGATG CCTTCATGAC AGAGCATGAG AGGCTCACCC CTCTCTGAG GCGTGTGTT CTGCTTCCTC ARGAACTAA ACATTTGTTT  
TCCCCCGGA TAATTAATAC GGAAGTACTG TCTCTACTC TCCGAGTGGG GAGAGACTTC CCGACACAA GACGAGGAG TCTTTTAATT TGTAAACAAA  
205 S G I L M M P S O  
tru9I  
hpy188III  
msl msl  
nslI mniI tsp509I

GSseqEdit, DNA61073 [Full], page 4

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fokI
3faNI
dcl bslf5I
bspCN- hpy188III
tsp45: cel-1/espl
maeII- b1p-/bp1102I
sau3AI
mbc-/ndeII[dan-]
dplII[dan-]
dplI[dan+]
hphI mboII
tsp509I
apoI
801 CTGTGTGAC GCTGAGCAT CTGAATACC AGAGCAGAT CATATATTT GTTACACCAT TCTTCTTTTG TATCAATTT TGAATGTGCT TGAAGTGAA
GACACACTGA CGACTGTAG GACTTATAGG TTCTGTCTA GTATATATAA CAATGTGTA AGAAGAAAC ATATTTTAAA ACTTACACGA ACTTCACTT
pieI
mlyI
hlnfI
bst4CI/hpyCH4III
tsp509I
alul hpy188III sspI sspI hpy188I
901 AAGCAATCAA TTATACCCAC CAACACCACT GAATATCAA GCTATTCAG ACTCAATA TTCTAATA TTTTCTGAC AGTATAGTGT ATAAATGTGG
TTCTGTAGT AAATGGGTG GTTGIGGTGA CTTTGTATT CGATAGTGC TGAGTTTAT AAGATTTTAT AAAGAGACTG TCATATCACA TATTACACC
sau3AI ndeI
mboI/ndeII[dan-]
dplII[dan-]
dplI[dan+]
trn9I
mseI
n-aii-
1001 TCATGTGGA TTGTAGTA TTGATTAG CATTTTGA AATAGATCA GGCATATGA TATATTTCA CACTTCAAG ACCTAAGGA AATATATTT
ACTACACCAT AATCATCAAT AACTAATTC GTAAATCT TTAATCTAGT CCGTATACAT ATATATAAGT GTGAAGTTTC TGGATTCCTT TTTATTTAAA

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GSeqEdit, DNA61873 [Full], page 5



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sau3AI
mbol/ndeII[dam-]
dpmII[dam-]
dpmI[dam+]
alwI[dam-]
nlaIV      sau3AI
bstYI/xhoII  mbol/ndeII[dam-]
bamHI       dpmII[dam-]
alwI[dam-]  dpmI[dam+]      ddeI

tspRI
bsrI

1101 TCCAGTGGAG AATACATATA ATATGGTGTGTA GAAATCATTG AAAATGGATC CTTTGTGAGC ATCACTTATA TCACCTCTGTA TATGACTTAAAG TAAACAAAAG
AGCTCACCTC TTATGTATAT TATACCATAT CTTTAGTAAC TTTTACCTAG GAAPAACTGC TAGTGAATAT AGTGAGACAT ATACTGATTC ATTGTGTTTC

fokI      tsp509I
tsp509I   bstFSI      tsp509I      apol      bst4CI/hpyCH4II-   hp
1201 TGAGAAAGTAA TTATGTGTA TGGATGGATA AAAATGGAAI TACTCATATA CAGGTGGAA TTTTATCCCTG TTATCAGACC AACAGTTGAT TATATATTTI
ACTCTTCATC AATAACATTT ACCTACCTAT TTTTACCTTA ATGAGIATAT GTCCACCTT AAAATAGGAC AATAGTCTGG TTGTCACTA ATATATATAA

tru9I
bsII      tsp509I   hincII/hindII   tsp509I      mseI
1301 CTGAATATCA GCGCCTATAA GGACAAATCTT ATTGTGTGAC CATTCTACAA ATTTCTAAA GTCCAACTCG TGCTAACTTA ATAAAGTANT AATCATCTCT
GACTTATAGT CCGGGATAT CCTGTTAAGA TAAACAACCTG GTRAAAGTGT TAAACATTTT CAGGTTAGAC ACGATTGAT TATTTCATTA TTACTAGAGA

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GSeqEdit, DNA61873 [Full], page 6

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pleI
mlyI
fnu4HI/bsoFI
haeIII/palI
ncrI thal
eagI/xmaIII/ecI XI
eaeI fnuDII/mvni
cfrI bstUI
bsiEI hinfI
notI bsh1236I
fnu4HI/bsoFI
aciI aciI
1401 TTTTAAAAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA
AAAAATTTT TTTTAAAAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA AAAAAAATAA

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> length: 1462

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accIII(TCCGA):
aciI(CCGC):
afIII(ACRYGT):
ahaIII(TTTAA):
aluI(AGCT):
alwI(GGATCANN):
apoI(RAATY):
apyI(CCGG):
aseI(ATTAT):
asnI(ATTAT):
avaI(GWCC):
81
1448 1452
76
163 465 1402
189 252 940
45 46 57 422 584 685 1146 1147
26 293 460 875 1095 1258
145 212 690
711
711
498

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GSeqEdit, DNA61873 [Full], page 7